

Amendment No. 1 to SB0853

**Norris
Signature of Sponsor**

AMEND Senate Bill No. 853

House Bill No. 476*

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 7, Part 1, is amended by inserting the following as new, appropriately designated section thereto:

(a) Any local or municipal government in this state may proscribe the use in its jurisdiction of engine compression brakes on trucks or truck tractors, or similar vehicles, without a muffler in accordance with Tennessee Code Annotated § 55-9-202, so long as the local or municipal government provides notice of the regulation by posting information on street signs in compliance with this section.

(b) In jurisdictions that regulate the use of engine compression brakes without a muffler pursuant to subsection (a), the appropriate muffler type to be used on trucks or truck tractors, or similar motor vehicles shall be any muffler that complies with the Federal Motor Carrier Safety Regulations on noise emissions 49 CFR 325, *et seq.*

(c) The department of transportation shall prescribe by rule the required minimal content, number and placement of the street signs required by subsection (a). The erection of such signs shall be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices. The department of transportation shall have the authority to develop appropriate signage, sign usage, and manufacture and installation guidelines regarding such signs. The local or municipal government shall remit to the department of transportation the cost of the manufacture and installation of such signs. Such payment shall be made prior to any expenditure by the state for the manufacture or installation of such signs. The department shall return any unused portion of the estimated cost to the local or municipal government paying for such signs within thirty (30)

days of the erection of such signs. If the local cost exceeds the estimated cost, an amount equal to the difference in such costs shall be remitted to the department within thirty (30) days of the local or municipal government receiving an itemized invoice of the actual cost from the department.

(d) A violation of this section is a Class C misdemeanor punishable as follows:

(1) For a first violation, a fine of fifty dollars (\$50.00). A person charged with a first violation of this section may, in lieu of appearance in court, submit a fine of fifty dollars (\$50.00) to the clerk of the court which has jurisdiction over such offense within the county in which the offense charged is alleged to have been committed; and

(2) For a second or subsequent violation, a fine of five hundred dollars (\$500).

SECTION 2. The commissioner is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.